RESEARCH BRIEF

REPRESENTING PEOPLE

Trustee Apportionment for Ontario's School Boards

Edward H. Humphreys
Daina M. Watson

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by the Ministry of Education, Ontario.
It reflects the views of the authors and not
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The Honourable Sean Conway, Minister
Bernard J. Shapiro, Deputy Minister

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Edward H. Humphreys
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A digest of a three volume research study entitled *Alternative Approaches to Determining Distribution of School Board Trustee Representation* conducted by Edward H. Humphreys, Stephen B. Lawton, Richard G. Townsend, Daina M. Watson and Victoria E. Grabb.

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Preface

This digest is based on a three volume study commissioned by the Ministry of Education (Ontario) in June of 1985. The study, entitled Alternative Approaches to Determining Distribution of School Board Trustee Representation, was conducted in the Department of Educational Administration of the Ontario Institute for Studies In Education. Edward H. Humphreys, Stephen B. Lawton, Richard G. Townsend, Victoria E. Grabb, and Daina M. Watson authored the original study report and participated fully in carrying out the research upon which the recommendations in this volume are based. Appreciation is expressed to the Ministry of Education for making the study possible by providing both financial support and overall guidance, including the provision of documents. The candid comments of school and municipal officials both elected and appointed, in extensive interviews, permitted the study team to learn of the complexities of conducting elections in various locations. The final report of the study was completed in June of 1986 and will soon be made available by the Ministry. We trust that this digest does the report and its authors justice and provides a more accessible source of their thoughts and findings.

Section One:

Distributing Trustees - Some of the Problems

What is a fair and equitable method to determine how the public will be represented on school boards? The Minister of Education, on the request of school boards, municipalities, and concerned individuals, instituted a series of studies to examine this issue. This document outlines the recommendations arising from the culminating study, Alternative Approaches to Determining Distribution of School Board Trustee Representation, commissioned to examine the method of distributing school board trustees in Ontario.

It is often assumed that the current method of deciding the number of trustees to represent a community is a long-standing tradition in Ontario. This is not the case. Basing trustee representation on equalized residential and farm assessment can be traced only to 1969. At that time, the reorganization of Township School Areas into county and district school boards across the province was completed and the legislation establishing the present system of trustee representation was enacted.

The basic approach to the present determination of trustee representation introduced in 1969 has two elements: first, the calculation of the total number of trustees to be elected and second, the distribution of those trustees within the juridiction. The first step, determining the overall number of trustees, is based upon the total population of the jurisdiction including both public and separate school supporters and their dependents. The total number of trustees for a board is determined using one of five schedules setting out the type of board and the number of trustees to be elected for a given size of population.

The second step, dividing the total number of trustee positions between groups of supporters, public and separate, and among city, rural and county municipalities uses the share of equalized residential and farm assessment each group contributes to the tax base. First, the split between the number of separate and public school trustees on the public board of education is made. Next, the number of trustees in both public and separate boards is determined in cities and the remaining trustees are distributed to the county municipalities. Distribution is based on the equalized residential and farm assessment each group of supporters contributes.

While this complex method has been effective in some areas, it has not worked well in others. Over the years, concerns have arisen over the instability caused by shifts in representation. These concerns grew from differences in the numbers of people, in the geographical sizes of areas, and in the tax-bases represented by elected

trustees. Such variation has not been well understood either by those who stand for election or by those who vote.

A. Shifts in Representation

In Ontario, the public seeks input to decisions about their schools through local representatives. When representation is lost or changed because of what appear to be unrelated actions such as revisions of the equalization factors calculated by the Ministry of Revenue or changes in the classification of land for taxation purposes, the significance and validity of representation is questioned. The public wants to know the reasons for changes that occur. Such changes need to be understood -- to make sense -- in order to be accepted.

In the 1980 elections, a shift from urban to rural representation occurred because of new assessment equalization factors adopted by the Ministry of Revenue in the summer of 1979 -- the basis of tax assessment was changed to real market value. A number of school boards including those in the counties of Perth, Lambton, Waterloo, and Prince Edward, each lost one urban trustee seat to county municipalities. In the Fort Francis-Rainy River board, electors in the town of Fort Francis lost two members. These shifts were hard to fathom since the population had neither grown nor been redistributed. In the Haldimond Board of Education, modifications in land classifications accompanying the construction of the giant industrial complex in Nanticoke resulted in that community's representation going through three stages: first, gaining additional trustees from other municipalities in the area, second, losing these representatives, and finally reverting to the original distribution once construction of the complex was completed. This shift in representation occurred as a result of reclassification of the property, before, during, and after construction of the industrial complex. The property was classed, for the purpose of assessment, as farm land, and grew in value during development. After completion however, it was assessed as industrial and commercial property and was no longer counted for trustee determinations. The result -- representation changed, even though little else did.

B. Population Represented by a Trustee

The number of trustees elected to both boards of education and separate school boards is based on the total population in the area represented by the school boards. Different schedules are set out in legislation to relate the total population in the district to the number of trustees to be elected for each type of board. These schedules produce varying ratios of representation for large separate and public school boards in the same region and for small public boards with the same population. Different schedules are used to determine the number of trustees for small boards based on whether there are more or less than four municipalities in the board's jurisdiction. For example, in

four boards of education with ten trustees, these ratios range from a low of 425 people per trustee in Red Lake to a high of 13,386 per trustee in the City of York -- a variance in the ratios of 3,049 percent. In the province's nineteen boards with fourteen trustees, the variance is 3,320 percent -- between a ratio of 624 to 1 in Central Algoma and a ratio of 21,321 to 1 in Etobicoke. It is difficult to justify trustees on boards composed of the same number of members representing 624 people in one area and 21,321 in another.

C. Geographical Area Represented by a Trustee

Concern has been expressed about the geographical areas trustees represent. With reapportionments occurring on a regular basis, the geographical territories grouped together for representation by a single trustee can swing from election to election. Also, the municipalities joined together to form one particular trustee's electoral district are not always adjoining, causing confusion for the electorate and difficulties for the trustee who must cover the whole area. In some boards, the area to be represented by a trustee is so large that adequate representation is extremely difficult to achieve. For example, in the Cochrane-Iroquois Falls Board of Education, the member from Black River- Matheson is responsible for an area of 450 square miles.

Representing people in such large areas is much more difficult than representing the same number of constituents in a compact district.

D. Equalized Residential and Farm Assessment

The equalization factors calculated by Ontario's Ministry of Revenue in 1979 took into account all classes of assessment including that based on industrial and commercial property. However, industrial and commercial assessments are excluded when determining trustee apportionment. This results in areas that pay higher proportions of school taxes, usually urban areas, having smaller representation than those that pay less tax. Furthermore, while trustee representation is based on equalized residential and farm assessments, rural areas receive a tax rebate of sixty percent. Therefore, the rural areas are entitled to more representation due to their high equalized residential and farm assessment than is fair when actual payment of tax is considered.

E. New Factors to Consider - Bill 30 (July 4, 1985) and Bill 75 (Dec. 12, 1985)

With the passage of Bill 30 and Bill 75, additional levels of complexity have been added to formulas for allocating trustees. Inequalities that have existed will be made worse.

Bill 30, authorizes the funding of separate secondary schools, and the removal of

trustees representing separate school electors from public boards of education when coterminous separate schools elect to offer secondary education. Since no provision exists to increase public school trustee representation, the number of trustees elected to these boards of education will be reduced. Representation on such public school boards would change solely as a result of a decision of the separate school board. This decision would affect the representation ratio, -- the number of electors represented by a trustee. In boards where the separate school trustees do not choose to exercise the option of providing a secondary school program to their students, the number of trustees remains the same.

Bill 75 provides for the governance of minority-language instruction if a specified level of student enrolment in the minority-language is served by the board: a minority-language section of the board must be set up. As defined in the Bill (Dec. 12, 1985), the number of trustees to be elected to represent the minority-language group is based on a ratio of 1) the calculated enrolment of resident pupils in minority-language instructional units operated by the board and 2) the total calculated enrolment of resident pupils. This method of determining trustee numbers -- keyed to the number of students enrolled -- is a shift away from the use of equalized residential and farm assessment, Ontario's present standard measuring device.

Since present legislation has the total size of the board remaining the same, the number of members to be elected to the majority section of the board will be reduced by the number of members elected to the minority section of the board. No matter what, however, a minimum of three members must be elected from the minority group. If the minority group is entitled to fewer than three members according to the formula, the total size of the board is to be increased by a maximum of three so that the majority group would not lose representation as a result of the addition of these minority trustees. Thus, in this case the representation ratio -- the population to number of trustees -- would drop.

While each Bill individually has implications for trustee representation, the interaction of the two pieces of legislation may have quite radical effects on board compositions. These will be discussed more fully in following sections.

Section Two:

Background and Description of the Trustee Representation Study

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Such difficulties all point to a need to examine the method of how the number of trustees is determined. And indeed, this is not a new issue. While the original legislation adopted in 1969 met some resistance, eventually the system was accepted widely, since it provided fairly consistent representation in urban and rural areas. In 1979, when the new equalization factors affecting resource equalization grants and school board elections were introduced, long held differences over equity of representation were brought to the fore.

Municipal councils and school boards expressed their concerns and urged the then-Minister of Education, The Honourable Bette Stephenson, to amend the legislation governing the determination of trustee representation after the 1980 election. In response to these petitions, the Minister established the Committee on Trustee Representation to review the basis for determining trustee representation on boards of education and to recommend either the continuance of the existing system or the examination of other systems. The Committee recommended reconsideration of the basis for determining trustee representation and as a result a team of researchers was commissioned to conduct an in-depth examination of pertinent issues. Their work has been summarized here in this Research Brief.

The research team began their study with two major goals in mind:

1. to examine the basic philosophical issues related to the question of what or who school trustees should represent, and
2. to identify alternative methods for the allocation of representation and the data bases needed to apportion trustee positions on school boards in Ontario.

Later, the need to examine complications arising from the introduction of Bills 30 and 75 for trustee representation became apparent and provided a third purpose for the study namely:

3. to examine alternative methods of determining the total number of trustees to be elected to a board and to examine the implications of Bill 30 and Bill 75 on trustee distribution.

A. Assumptions and Principles

Underlying the study was the basic question: **How should representation be structured to ensure democratic governance?**

In attempting to answer this question about school boards, two assumptions were made by the study team at the outset of the research. First, we assumed that certain characteristics of a community are projected into the policy-making for that community's schools, and second, that people consult with each other to ensure that their values are reflected in the decisions the school system takes. The study team believes that school board decisions should reflect community wishes and values, and that such decision-making can only occur where representation is effective. Trustees form a vital link in communicating community values in decision-making.

A number of basic principles arose from these assumptions and were identified in our preliminary search of writings about democratic governance:

1. representatives must be able to stand in the place of constituents and to exercise their judgment.
2. representatives should have a reasonable geographical area to cover and should not have too many constituents.
3. all members of the community must feel they have a fair hearing.
4. majorities must feel they have the greatest say.
5. one person's vote must be equal to another's.
6. wealth is no longer a reasonable basis for determining representation.

B. Investigations Carried Out By the Study Team

Key issues related to democratic representation were identified through a search of writings by political philosphers of note; the advantages and disadvantages of various electoral mechanisms were appraised. Representation of electorates on school boards by trustees elsewhere in Canada was reviewed in a series of papers commissioned from experts in each of Canada's provinces. These papers depict both the historical development of the trustee election processes across Canada and the current methods used. Trustee representation in the United States was also reviewed to provide an international perspective. Ontario's school governance was reviewed through a treatment of the historical development of the trustee role in the context of the province's educational evolution and as well, a detailed description was prepared of the current processes for determining who represents the public. Visits to school boards and municipalities across Ontario were conducted to listen to the opinions and comments of both elected and appointed officials, to identify pertinent issues, and to confirm the concerns we had identified by other methods.

A number of approaches to apportioning trustees were identified through this process. The study team then tested the effects of these approaches through the use of computer simulations using data from 33 school boards. We attempted to examine the proposed alternatives by comparing the results with the way the present system operates. Several effective alternative methods of apportionment were identified

from those tested and one alternative was later recommended for adoption. The effects of Bills 30 and 75 on the present method of apportioning trustees were also simulated individually and in conjunction with each other. These effects were then compared with the outcomes stemming from the use of the proposed method of apportionment. This process permitted the recommendation of a "best" alternative to the current system.

Recommendations were primarily developed from three different phases of the project: visits to local communities, simulations (a) in 33 school boards of proposed alternatives, and (b) in a sample of boards that take into account Bills 30 and 75.

Section Three:

Findings and Recommendations

A. Findings and Recommendations Based on Visits to Local Communities - Phase One

Extensive interviews were held in eighteen jurisdictions across the province. These visits led to recommendations which fall into three categories:

1. the process of forming electoral districts,
2. the number of positions, and
3. the character of electoral districts.

In reporting the visits to the boards, we have not identified specific jurisdictions or individuals in order to protect the confidentiality of those interviewed. Rather, we used a case study approach with pseudonyms.

THE PROCESS OF FORMING ELECTORAL DISTRICTS: In our visits, we found that the time and scheduling changes in electoral districts often created a problem.

In one Northern district visited, the most recent electoral preparation process was as follows. Apportionment was determined during the summer of 1985, Boards were notified by mid-August of 1985, at the height of harvest and vacation time, and the final model of apportionment was presented for an election that was less than three months in the future. For some individuals, this left an altogether inadequate amount of time to consider proposals and to appeal decisions during a period of infrequently held board meetings. Enumeration in unorganized townships also created difficulties as lists were out-of-date, having been sent to clerks the previous spring. Once the "wards" for election purposes were established, insufficient time was available for candidates to become familiar with their new territories and voters.

Similar concerns about the time available for trustees to examine the proposed reapportionment were expressed in a separate school board in southern Ontario.

We conclude that the timing of apportionment is a significant issue in that insufficient time now exists (1) to discuss and correct deficiencies in proposed electoral districts, (2) to appeal decisions, (3) to prepare for elections when substantial changes have been made, and (4) to permit electors to learn about the candidates who stand for election.

We recommend:

That reapportionment be carried out in the calendar year preceding an election year in order to permit

adequate time for appeals and preparation for an election. [1]

A major problem existed in some boards where legislated formulas were thought to be applied by persons lacking in familiarity with school boards and their functioning. In one northern board, the new clerk of the largest municipality applied present legislation and linked together disparate communities with predictable results: the communities shared few interests, suffered from poor communication channels, and their leaders were unknown to new constituents who lived several miles away. One electoral district joined communities that were seventy miles apart, thereby requiring constituents to pay long-distance telephone charges to reach their trustees.

Such difficulties, raised in a number of boards, led us to consider the question of who should be responsible for the reapportionment process -- the board, the school system officials, the county council, the clerks of municipalities, or a combination of these. We concluded that in some areas municipal clerks lacked an essential awareness of the trustee's role and of the implications of constructing electoral districts that are unwieldy. Possibly because they normally work with individual municipalities or with counties that do not have direct elections, clerks often seem to lack the experience necessary to fashion effective boundaries for elections to county or district school boards. Significant problems are created for trustees who are expected to be the delegate for these areas, covering huge territories, communicating in unknown communities, and attending to disparate viewpoints and interests. While being at arm's length may be a positive characteristic of a person making decisions on electoral boundaries, sensitivity to the problems and to the nature of trustee representation is essential. Our data suggest that county clerks would be glad to be relieved of this responsibility.

We recommend:

That reapportionment be the joint responsibility of the director of education of the given school system in the area and the clerk of the county, region, or largest municipality in the jurisdiction, who shall provide to the respective school board for its consideration and decision, three alternatives for reapportionment of trustee representation, by December 31st of the calendar year preceeding an election.[2]

And also:

That guidelines be prepared by the Ministry of Education to

assist directors and clerks in the task of reapportioning trustee positions and that workshops to inform personnel on all aspects of apportionment objectives and procedures be held.[3]

NUMBER OF POSITIONS : The number of trustees, as well as the number representing different groups of electors, was an issue in the jurisdictions visited. While an investigation of Native governance is outside our mandate, the board trustees and officials with whom we talked generally supported the current system of determining Native representation, while these same trustees and officials often disagreed on proposals for other minorities. Pending further study of the governance of Native education in general, we are inclined to believe in the effectiveness of the present model.

We recommend:

That the methodology used for choosing a trustee to represent Native Canadians continue to be decided by Bands in the school district. [4]

In contrast to the agreement found here, the number of trustees representing different interest groups was an issue in many of our visits to local communities. Competing interest groups expressed frustration and a sense of unfairness whenever they either lacked a voice entirely, or their relative strength was reduced as a result of reapportionment. On the other hand Native representation is provided by adding a position to the board -- the "add-on" principle -- thereby not requiring any realignment or reduction in representation of existing group interests - be they rural or urban, Francophone or Anglophone, separate or public. We have used this approach --the additive method-- as a model and its application is explained in section 4 of this digest.

Representation accorded to minority groups is a major issue when the number of trustees is being discussed. There was little doubt that our interviewees considered it appropriate that minority groups, particularly those whose interests might be overlooked by a predominant majority, should be accorded representation on the board. There was less concensus on how large representation should be. In one board, concern was voiced regarding the representation of resident Francophones under Bill 75. Reasonableness did not seem to be served by having three trustees to articulate the interests of a small Francophone community of a few hundred individuals where the ratio of representation for the majority is one trustee to 25,000 population. Although we recognize that the issues involved are significantly different, designating a minimum number of trustees, comparable to that provided for Native

Canadians, is seen to be more equitable then the number proposed in Bill 75, when the population is small but is to be taken into account.

We recommend:

That where due to population imbalance, minority groups, i.e., Anglophones, Francophones, and Native Canadians, would lack an opportunity to have their interests effectively represented at board meetings, the "add on" principle be employed to ensure a minority group voice in deliberations. [5]
and

That a single representative be accorded to a minority group, i.e., Anglophones, Francophones, and Native Canadians, under recommendation [5], and that further representation be in keeping with allocations based on formulae normally used for apportionment. [6]

CHARACTER OF ELECTORAL DISTRICTS: The character of the individual districts may change as a result of a number of factors. Realignment of electoral districts in northern jurisdictions occurs where the addition of an unorganized township to a given jurisdiction changes the proportion of assessment among municipalities, thereby triggering a change in the number of trustees representing an area.

Frequent revisions in the boundaries of electoral districts were found in both northern and southern jurisdictions. In one northern board, for example, several townships were joined together in what was seen as an idiosyncratic manner, with non-contiguous areas combined to form one electoral unit. We found some areas in both northern and southern jurisdictions being flipped back and forth, first being attached to one area, then to another - an unreasonable model to follow. But all reapportionment processes are not capricious. One western jurisdiction, for which the apportionment based on equalized residential and farm assessment had worked well in the past, should have adjusted areas of representation for the last election. Because however, of the satisfaction with the existing system sensed by all in the area and the cooperative attitude of the various councils, discussion among local councillors, the county council and board officials resulted in a decision not to make any changes in the status quo.

In one area where a major tourist centre is the focus for education in the district, a number of municipalities have substantial wealth arising from large assessments from summer cottages. The "Muskoka Amendment" was invoked to allow the area to apportion trustees on a population basis. Without the amendment, one

township and the surrounding unorganized area, with little population but very rich in assessment, would have more trustees than the region's most populated community. While population-determined representation avoided major problems, it failed to totally eliminate residents' concerns. Residents believed that the linking of municipalities through formulae based on population, while preferable to that based on apportionment, was still not good enough. They believed that a "community of interest" was essential to successful and acceptable electoral units. We tend to agree.

A common thread running through all these examples was the importance people place on having a community of interest among electors in a district. Indeed, representational democracy requires one person to stand in the place of other citizens and to link those citizens and their government. A trustee needs to be able to seek out, from time to time, clues to various interests. Such a "seeking out" is more likely to occur where electoral districts are established so as to encourage good communication with constituents and where constituents can identify both with their representative and their area as a whole . This envelope of identity is more likely to be effective in compact districts where people have similar interests, attitudes, and frames of reference.

We recommend:

That electoral districts include contiguous municipalities, or parts thereof, in a manner that represents communities in the minds of electors. [7]

The issue of wards versus at-large elections was evident in a number of jurisdictions. In Northern City Board with jurisdiction over a relatively compact and culturally diverse populated area surrounded by a sprawling hinterland of unorganized townships spreading for miles along highway corridors, the major population center is composed of a number of former towns and villages that were amalgamated a number of years ago. A degree of animosity still exists among the various communities amalgamated to form Northern City. Concern was expressed that if wards were to be used for electing school board trustees, their boundaries should be the same as those of the city. But differences exist between populations in the various city wards since ward boundaries are based on the old municipal boundaries. While these divergencies seldom surface at board meetings, concern was raised that delegates for one community might swamp the spokespersons for less populated areas. This could occur with multiple-member representation from the ward with the largest assessment and population. Such fears are well-founded.

In the most recent election, four members who live in one small area of this multi-member ward were elected, thereby provoking resentment over 'single issue'

candidates and voting based predominantly on parochial community interests. Some residents of the largest ward spoke of the need for at-large elections to overcome this parochialism. Those from small wards, on the other hand, indicated their fear that in an at-large election the most populous ward would capture all seats to the exclusion of smaller ward interests.

Until recently, trustees on the board of education in a southern defined city board ran at-large across the whole area. In 1980, the electoral system was changed to a ward system with two trustees elected in each ward. The new system was introduced because name recognition rather than effective representation appeared to be the major determinant of success in elections. It was also clear that certain parts of the city frequently went unrepresented as elected trustees tended to come disproportionately from upper income areas. No sense of identification with the various parts of the whole community appeared evident among elected trustees, resulting in a lack of accountability. Ward elections in this board have solved many representational problems. Both ward boundaries and elected trustees have remained stable over the last three elections and identification with the local trustee has grown during that period. Even so, because parochial voting patterns have been evident on occassion, whether or not jurisdictions should be organized into wards is an issue that is still discussed.

It seems that a ward system designed to avoid undue reliance on municipal boundaries, instead of representation of communities of interest based on socio-economic factors, and gross population variation among wards would reduce some problems of representation and would be acceptable to most electors.

We recommend:

That, where possible, the concept of "community of interest" be fostered by defining compact, contiguous wards for which trustees are elected. [8]

In addition to being able to communicate with the representative, constituents need to be able to determine when a representative is succeeding or failing to articulate the electors' interests. Large electoral districts, such as those where candidates run at-large, from which many members are elected, and in which numerous candidates stand for election, make it difficult for constituents to discriminate among candidates. Single, or at most, two-member, wards would be more effective in providing the elector with opportunity to cast an informed vote and to help establish a bond between trustee and citizen.

We recommend:

That elections be held within electoral districts for which a maximum of two trustees may be elected. [9]

Traditionally, Ontario's system for electing trustees relied upon the school section or the township as the electoral district. With the formation of large school boards, one township would be added to an adjoining one to form units large enough to justify representation by a single trustee. This system seems to have worked well and should be continued wherever possible. If electoral districts cannot join municipalities to form contiguous areas, parts of different municipalitities where electors have similar interests should be connected. These interests might be associated with a school, a community, or even an ethnic or economic entity. The redistribution of constituencies should take account of 'natural' constituencies. We believe that it is more important to maintain similarity of constituent interest than to maintain whole municipalities.

We recommend:

That it be acknowledged that the fashioning of electoral districts to recognize "communities of interest" may require the breaching of municipal boundaries. [10]

When they lack any community focus, many rural areas with sparse populations have significant problems in developing a community of interest. Frequently the only institution that spans the whole area is the school and possibly only the secondary school. Where such integrity of school communities exists, it may be helpful to designate the school catchment area as the electoral district, even though schools may vary in size and school catchment areas may be irregular in shape. We recognize that problems emerge in running an election within such electoral districts, but we also note that trustees would have a clear focus for their work of representation and a clear identification in the minds of their constituents.

We recommend:

That, where the "communities of interest" are, for the most part, centered in school catchment areas, the electoral districts be structured to encompass those areas. [11]

Present legislation allows differences between the relative assessments of electoral districts to vary by up to five percent. It is unfortunate that in some

situations, this discretion provides inadequate tolerance to permit reasonable electoral districts to be formed. Greater tolerances are permitted at both the federal and provincial levels (up to twenty-five percent) and ranges of up to ten percent would not seem excessive in electoral districts for school boards.

We recommend:

That, in order to provide flexibility in the construction of electoral districts, variances up to 10% in the values of the criterion used for determining representation be permitted among districts within a jurisdiction. [12]

Having emphasized the importance of communities of interest when setting boundaries for electoral districts, we need to advocate retention of electoral districts which already have traditional roots in the community. Respondents frequently expressed dismay at the loss of a trustee position or of a traditional electoral district that had 'always' been there. Although we recognize that a loss of a seat is due to relative changes among communities -- either in assessment, population, or both -- changes in long-standing representation should not be undertaken lightly. Where other considerations are equal, the retention of a single trustee in keeping with traditions in a community, should be encouraged.

We recommend:

That, where traditionally a community or municipality has been represented by a trustee, every attempt should be made to provide that unit with representation, either (a) through the allocation of a position, even where numbers fail to justify a full trustee, or (b) the creation of an electoral districtidentified with the community by the combining of areas centred on that community. [13]

Public and separate school boards are not always identical in terms of the municipalities they encompass. In many cases, the separate school board incorporates more municipalities than does the corresponding public board. For example, Huron-Perth RCSS Board covers both Huron and Perth counties, each of which has its own public board of education. The Brant County RCSS Board includes two townships that are not included in Brant County and for which other boards of education are responsible. The determination of separate school trustee representation on a public board is, however, limited to the territory associated with that board. That is, the separate school electors in Delhi and Norwich North, for example, elect separate

school trustees to the Norfolk and Oxford County Boards of Education respectively, even though they elect trustees to the Brant County RCSS Board. The assessments of these townships are not used to calculate separate school representation for Brant County Board of Education.

In many ways it almost seems as if electoral maps are jigsaw puzzles whose pieces have been designed to foster confusion. A single separate school supporter may elect trustees to a separate school board in one county and trustees to a public board of education in another county. This confusion should be eliminated.

We recommend:

That, in order to foster stability of representation and identification, boundaries of boards of education and Roman Catholic separate school boards be coterminous wherever possible. [14]

CONCLUSIONS - PHASE ONE : It is obvious that dissatisfaction with the present system of apportionment is endemic. Concern is widespread over the use of equalized residential and farm assessment for apportioning trustees and over the resulting instability in representation. A new model for apportionment is needed.

In Ontario, the present system for determining the total number of trustees to be elected and the constituencies trustees are to represent is quite complex. There are a variety of school boards and each type is governed by a somewhat different formula for calculating the overall number of trustees and for allocating them among the electorate. These formulae are found in various pieces of legislation, with some boards covered by specific legislation enacted to address a unique situation, for example, Ottawa-Carleton, Metropolitan Toronto, or Muskoka.

The present system of distributing trustees is based on the value of each municipality's equalized residential and farm assessment. Some of the shortcomings of this approach, such as the imbalance created by assessment and the volatility of distribution resulting from shifts in property values have already been described.

A symbolic importance exists in attaching assessment- based determination of representation with fiscal responsibility on the part of school boards. There is a perception that "he who pays the piper, calls the tune." The perception that residential and farm assessment is directly related to taxes paid and that this is a fair way to apportion trustees is, however, inaccurate. Residential and farm assessment is presently used to determine trustee distribution but the value of farm property includes the value associated with its revenue-generating capacity (a business component). No corresponding business component is associated with the urban property on which trustee determination is based. Moreover, as already indicated, a tax rebate of 60 per cent is paid to farmers with the result that not only is rural

property assessment inflated by its business element, but the owner effectively pays less tax in support of education than does a comparably assessed urban dweller. Under the present system, those who **appear** to pay have a greater ability to call the tune than those who may actually pay the larger share.

B. Findings and Recommendations Based on Simulations of Proposed Alternatives in 33 Board Jurisdictions - Phase Two

There is a lack of justification in publications dealing with governance for a wealth-determined representation system in a popular democracy. The trends evident in other provinces, over a considerable period, are away from wealth determined electoral systems and toward the use of population. The study team thought that the only justification for maintaining the present Ontario approach would be that no better choice existed. To this end, we simulated the impact of a number of alternative approaches that have been identified in submissions to the Committee on Trustee Representation, refined by the study team, and confirmed as viable and acceptable in discussions in the various parts of the province. These simulations tested the impact of thirteen alternative apportionment systems in 33 school boards (18 public boards of education and 15 separate school boards), initially without considering the impact of Bills 30 and 75.

The thirteen methods considered fall into four broad categories as to the criteria used for apportionment: assessment, population, population and assessment, and population and density.

Assessment: First, trustee allocations based on the existing method, using published assessment equalization factors (AEF), were calculated to serve as the baseline against which the results of alternative approaches could be judged. Then, two new methods, the first using the assessment equalization factors employed for allocating General Legislative Grants (GLG) -- a five-year rolling average, -- and the second using equalization factors based on farm and residential properties alone. (The currently used AEFs are based on all classes of property.) There was little difference in using any of these three apportionment methods.

Population: The population simulations explored the impact of tapping two different measures of population in the communities to be represented as the basis for allocating trustees. The first, total population, which includes both adults and children, was regarded as a measure of both those who support the system through taxation and those whose needs are or will be served by it; that is, both supporters and dependents are included. The second measure, electors, includes only adults of voting age. This choice served as a measure of those who pay for the school system and who participate in the electoral process but not those who are served by it.

The results of these simulations were quite similar. In terms of allocation between public and separate school trustees on public boards of education, there was

less of a change from the current distribution of trustees when electors, i.e., voting age population, was used than when total population was used. Under both methods, separate school supporters would receive an additional one or two representatives. When urban/rural allocations were tested, use of total population resulted in less of a change from the status quo than did the use of the population of electors. Both measures tended to increase the number of urban trustees, although in some jurisdictions, for example the Brant Roman Catholic Separate School Board, there was a gain of one rural trustee.

Population and Assessment: The simulation which combined total population and assessment (using the published AEF), predictably produced results which fell midway between those for assessment and for total population. This method, however, would not only double the workload of those responsible for trustee determinations but also begs the question of an appropriate basis for democratic representation -- representation by wealth, or representation by population?

Population and Area: The three simulations based on a combination of population and area modified the effect of population by taking some account of the size of the territory a trustee might have to cover in representing residents. Concerns have been raised that, whether assessment or population is the basis for trustee determination, sparsely populated municipalities would be represented by delegates who would have such large areas for which to be responsible, that those trustees would find it difficult to know their constituents' views and for constituents to make those views known to their board members.

The simulation, which gave 2/3 weight to population and 1/3 weight to area produced results which shifted representation away from the cities. These results, which are anomalous by comparison to the status quo and to the other simulations, may be regarded as not being appropriately representative of those who support the education system or of those who benefit from it.

The simulation, which gave only 1/10 weight to area, resulted in no change from the current situation (as simulated) 60 percent of the time. Where change occurred, it was principally a shift from county to city (26 percent).

The simulation based on the product of the Log (base 10) of the area of the municipality and the population produced results similar to total population alone. None of these approaches provided results that violated earlier understandings.

Population and Density: Of the four simulations in the category of population and density two would redistribute representation and two would add extra trustee positions in cases of relatively low density. For each type of method, two possible thresholds would trigger redistribution or addition: density less than 50 percent of overall density and density less than 10 percent of the overall density of the relevant population of the jurisdiction.

The 10 percent threshold was too low to produce additional trustees and

redistributed representation only fractionally.

Both redistributive and additive simulations at the 50 percent level gave rise to noticeable changes in representation. Both modified the effect of population on distribution by giving additional weight to municipalities in which density was relatively low. The simulation using a **redistributive method,** compensated these municipalities at the expense of more densely populated municipalities, generally cities. The simulation using an **additive method**, added representatives so that areas of lower density were compensated without diminishing the representation of the more densely populated municipalities.

The redistributive simulation produces results very similar to those for the simulation giving 1/10 weight to area -- no change in the current situation occurred 60 percent of the time. Because density is variable, however, while the effect of area is a constant, this similarity would vary over time as changes in population distribution took place. In terms of the work to be done in making the determination of trustee representation, density has the disadvantage of being changeable. Not only must relative density be recalculated each time a determination is made, but there is a potential for changes in the outcome and in the distribution of trustees. These changes are more likely to be uni-directional and more persistent in nature however, than the changes that have been experienced with assessment. Although the use of density may involve more work than the use of an area constant, density may be more reflective of the characteristics of the district to be represented by a trustee and of the problems that distance may create for that representation.

Because the additive simulation is based on adding representation where necessary without taking it away from established electoral districts, it is philosophically the most attractive option. Use of the 10 percent threshold may have been too low to provide sufficient additional trustees required while using a breakpoint of 50 percent possibly may have been too high. When simulated, the threshold of 50 percent resulted in the creation of additional trustee positions in a high proportion of cases. Anywhere from one to four trustees were added to municipalities in which density of the area is less than 50 percent of the overall average.

While this simulation generated "entitlement" to additional trustee representation, the ultimate decision with respect to the grouping of municipalities and the assignment of positions would still remain at the local level and would involve, in any case, some exercise of judgment about needs and problems.

These thirteen simulations demonstrated that equalized residential and farm assessment has not reflected the characteristics or distribution of the populations represented by trustees. The current approach has resulted in under-representation of separate school supporters/electors and in over-representation of county dwellers when compared to a straight population based apportionment system. As well, they

demonstrated that there are viable alternatives to the present method of apportionment.

It seems that, on all counts, equalized residential and farm assessment is no longer a viable basis for apportionment. While it may have been politically justifiable in attracting small jurisdictions into large county boards, the practice is inconsistent with fair and equal representation. It also contravenes the concept of equal shares since fewer voters are needed to elect a representative where property values are high than where they are low. Those in less wealthy areas have less opportunity to influence policy than do those in more wealthy areas. Representation based on assessment provides a greater value to the vote of the owner of more expensive property, thereby permitting inequality in representation .

We recommend:

That equalized residential and farm assessment be discarded as the basis for apportioning trustee representation for school boards in the province of Ontario; [15]

and

That the determination of trustee representation be based on some measure of population. [16]

Because population data that is presently retained by municipalities may be inappropriate or out of date at the time apportionment is determined, it may be necessary to collect new data. Such data as are necessary should be collected to permit the early apportionment of trustee positions.

We recommend:

That population data, appropriate to the basis established for the determination of trustee representation, be collected in such a manner and at such a time as to permit it to be used for the purposes of apportionment. [17]

While population appears to be the best determinant for allocating trustee positions, and is certainly consistent with democratic principles of "one person, one vote," a need exists to consider the ability of the trustee to represent a widely dispersed population.

We recommend:

That the method adopted to apportion trustee representation

take account of problems associated with relatively low density and/or representation of large numbers of municipalities. [18]

C. Findings and Recommendations Based on Simulations of Proposed Alternatives In a Sample Of Boards and Taking Into Consideration The Impact Of Bills 30 (July 4, 1985) and 75 (Dec. 12, 1985).

Bill 30 : This bill provides for publicly funded secondary education in separate schools and its implications for trustee representation were examined in the study. The primary impact of Bill 30 is that fewer trustees would be elected to boards of education than at the present time. Specifically, boards of education having the same or part of the same jurisdiction as Roman Catholic separate school boards that choose to offer secondary education will lose their present separate school trustees. The number of trustees on a board of education, being based on total population, will not directly reflect the population of public school supporters. Its size will be based on the combined effects of the existing schedule and on the decision of the Roman Catholic separate school board to either offer or not offer secondary school education in the jurisdiction.

It can be argued that the implementation of this piece of legislation will not directly affect the representation accorded to public school supporters in any given school board. But the range in numbers of trustees on school boards in areas with the same population will be radically affected, as the size of a board of education will be reduced in proportion to the assessment of separate school supporters in the jurisdiction of the board.

Bill 75: This bill provides for governance of minority-language instruction. A French language section will be established in any school board which offers French language instruction to 300 pupils or 10 percent (whichever is less) of the resident pupils of the board. Similar provisions apply for English language sections of school boards where French is the language of the majority. The number of minority-language trustees is to be determined on the basis of proportional student enrolment. In the case of a French language minority, the number of students enrolled in French language classes is taken as a proportion of total student enrolment. This ratio is then applied to the number of trustees to be elected to the board to determine the number of trustees elected to the French section of that board. These French language trustees would be included as a part of the total number of trustee positions on the board in a way similar to the way in which separate school trustees now form a part of the total board size. The bill establishes that a minimum of three trustees are to be elected to the minority-language section of the board. If not enough students are enrolled in the system as a proportion of the whole student body to generate at least three positions when this ratio is applied, extra positions would be created and added to the board total.

The requirement for a minimum of three minority-language trustees is rigid and, in some cases, produces too high a level of representation when the total number of trustees on a board is considered. The smaller the board, the higher the proportion of minority-language enrolment must be to generate three trustees. For a board to which eighteen trustees are to be elected, a level of fourteen to seventeen percent minority-language enrolment would be sufficient to generate the required minimum number of three trustees. For a board to which six trustees are to be elected, the level of minority-language enrolment would have to be near fifty percent to generate the required minimum number. Because the required minimum is three trustees, regardless of the number of trustees on the school board, additional trustees would be added to the board if enrolment did not generate at least three minority-language trustees. Although these trustees would be additional to the basic number, they could constitute a sizable proportion of the final total number of trustees.

Furthermore, the determination of the number of French language trustees to be elected to the minority-language section of a board of education and to be included in the total does not take into account the religious affiliation of trustees and their electors. The number of trustees apportioned between public and separate school trustees on a board of education is reduced by the number of minority-language trustees to be elected. Because the basis for apportioning the remaining number of trustees between public and separate support groups would remain the same, the number of trustees to be elected by each group would be reduced according to the proportion of trustees each is entitled to elect. That is, if two-thirds of the trustees are public school trustees and one-third are separate school trustees, and three French language trustees are to be subtracted from the total number, public school electors will elect two fewer trustees and separate school trustees will elect one fewer trustee.

We assessed the pattern of French language enrolment at the elementary and secondary levels in boards of education. From this analysis, we concluded that there was a significant transfer of French language students from the RCSS system at the secondary level. Thus, although the majority of French language pupils and, in all probability the majority of those who would become French language electors, are separate school supporters, the impact would be greater on the number of public school trustees to be elected to a board of education than on the number of separate school trustees to be elected. One of the unintended consequences of Bill 75, therefore, would be to disproportionately reduce the representation of public school supporters and effectively increase the representation of separate school supporters on boards of education.

The Combined Effects Of Bill 30 and Bill 75: We examined the patterns of representation that would result if Roman Catholic separate school boards which offer instruction in the minority-language were to extend their programs of instuction to

the secondary level and to offer minority-language instruction at that level. We assumed that the higher level of French language enrolment would shift back to the separate school system. Under these circumstances, any French language trustees still included in the total to be elected to boards of education could be presumed to be public school supporters. The simulations of this eventuality indicated that only one board -- Niagara South, would have a French language trustee included in the board total. For all other boards for which a French language section of the board would be required, three trustees would have to be added to the total number to form the French language section.

The effects of implementing Bill 30 and Bill 75 together were simulated and, in the case of one small board, Hearst, the requirement to add trustees to ensure that the minimum number of minority-language trustees was achieved under the combined conditions of implementing Bill 30 and Bill 75, resulted in there being more minority-language (three English) than majority-language trustees (two French). Such effects are difficult to justify.

Section Four:

A New Base of Trustee Representation

The present method of determining the total number of trustees to be elected to a school board in Ontario is inconsistent in the way in which it relates population to the number of elected trustees (Table 1). The ratio of population to number of trustees varies widely between boards with the same number of trustees and between boards of education and separate school boards. For example, boards of education with sixteen trustees vary from the lowest ratio of 715 persons to one trustee in Haliburton to the highest ratio of 12,189 persons to one trustee in Windsor. Separate school boards with sixteen trustees range from a low of 2,056 persons per trustee in Peterborough Victoria Northumberland and Newcastle RCSSB to a high of 10,474 persons per trustee in Dufferin-Peel RCSSB. When all boards are considered, the lowest ratio of representation is found in the Red Lake RCSSB where each trustee represents only 108 people. The highest ratio is in North York B of E where each trustee represents 30,906 people. In addition to these inequities, the problems created by Bills 30 and 75, as they stand, mean that a complete change in the determination and apportionment of trustees is needed.

First, it is necessary to clarify the basis for representation by population proposed in recommendation 16. In our judgment, while it would be feasible to base apportionment of trustee positions among electoral districts on the population of electors, it would be more conventional (and easier to obtain data) to use the total population including both supporters and their dependents for this purpose.

We recommend:

That apportionment of trustee positions be based upon total population of supporters and dependents. [19]

Variances in population density are common within board jurisdictions and so there may be problems associated with the size of electoral districts that trustees represent. In view of the complexities that are involved in the apportionment process, especially with the introduction of Bill 30 and Bill 75, we would not recommend adopting any simple mechanistic formula to allocate trustee positions.

Table 1

RATIOS OF REPRESENTATION:

POPULATION PER TRUSTEE IN BOARDS OF EDUCATION

TRUSTEES ON BOARD	NUMBER OF BOARDS	LOW BOARD	RATIO 1 to	HIGH BOARD	RATIO 1 to
5	1	HORNEPAYNE	349	–	
7	1	CHAPLEAU	542	–	
8	2	ATIKOKAN	585	NIPIGON-RED ROCK	603
9	1	GERALDTON	674	–	
10	4	RED LAKE	425	YORK	13,386
12	1	HEARST	625	–	
14	19	CENTRAL ALGOMA	624	ETOBICOKE	21,321
15	4	MANITOULIN	467	MUSKOKA	2,529
16	14	HALIBURTON	715	WINDSOR	12,189
17	4	BRANT	5,954	SCARBOROUGH	27,174
18	11	PRESCOTT & RUSSELL	3,142	NORTH YORK	30,906
19	1	LAKEHEAD	6,597	–	
20	8	SAULT STE. MARIE	4,362	YORK REGION	16,203
21	2	LINCOLN	8,401	WATERLOO	15,630
22	1	HAMILTON	13,986	–	
23	1	PEEL	24,603	–	
26	1	TORONTO	23,317	–	

RATIOS OF REPRESENTATION:
POPULATION PER TRUSTEE IN SEPARATE SCHOOL BOARDS

TRUSTEES ON BOARD	NUMBER OF BOARDS	LOW BOARD	RATIO 1 to	HIGH BOARD	RATIO 1 to
5	1	RED LAKE	108	–	
8	11	DRYDEN	233	KAPUSKASING	1,445
10	3	NORTH SHORE	1,462	WINDSOR	9,267
11	1	NORTH OF SUPERIOR	537	–	
12	7	ELGIN	706	PRESCOTT&RUSSELL	3,819
13	1	SAULT STE. MARIE	2,585	–	
14	14	BRUCE-GREY	1,199	SUDBURY	6,742
16	11	PETERBOROUGH	2,056	DUFFERIN-PEEL	10,474
24	1	VICTORIA NEWCASTLE METROPOLITAN TORONTO	23,708	–	

We recommend:

That the individuals charged with the task of determining apportionment be enjoined to use the variance of ten percent in the values of the criterion for apportioning representation [12] to:

a. **create electoral districts with a traditional or community focus, and**
b. **to compensate for low density or extreme distances that might otherwise characterize some electoral districts. [20]**

It may prove that there are special problems associated with some jurisdictions, however, and that additional measures may be required to address them.

We recommend:

That the results of relying upon recommendation [20] be monitored to determine if there is a need for modifications to the apportionment method. [21]

Providing trustee representation for minority-language groups on school boards is an important objective of our electoral system. Generally in Ontario, the minority-language of instruction is French, but in some board jurisdictions it is English. Because individuals may choose --but are not required -- to become minority-language electors, it will be essential to encourage eligible electors to make the choice by minimizing differences in the status and roles of minority-language and "regular" trustees. We have concluded that voter identification with traditional or community electoral districts is a vital factor.

We recommend:

That minority-language trustee positions be apportioned among municipalities in the same manner as other trustee positions are apportioned. [22]

A. The Additive Method.

We propose that the number of trustees elected be related to their population of supporters and their dependents.

This method will:

- Establish a relationship between the size of population and the number of trustees each group is entitled to elect;
- Determine the total number of trustees on a board by addition;
- Guarantee minimum levels of representation for the "core" majority group of the board and for minority groups;
- Base the number of representatives of the core group on the ratios of trustees to population provided in the following table :

POPULATION	RATIO	MAXIMUM NUMBER
LESS THAN 4,500	1/750	6 (MINIMUM #)
4,500 - 9,499	6 PLUS 1/1,000	11
9,500 - 99,499	11 PLUS 1/15,000	17
99,500 AND MORE	17 PLUS 1/75,000	--

- Base the number of trustees to be elected by minority groups on the overall ratio of their population to that of the majority group. To calculate this ratio, the population of the majority group is divided by the number of trustees determined by the formula. The number of the minority group trustees is determined by dividing the ratio into the population of minority groups.

Each step in the calculation required by the additive method is carried out in the following examples representing small, medium, and large boards.

EXAMPLE 1
SMALL BOARDS UNDER 4,500
(QUALIFY FOR MINIMUM NUMBER OF TRUSTEES)

Hornepayne (a board with a minority of separate school supporters):

Population of public supporters 1,286		= 6 trustees
Ratio of representation	1,286/6 = 214.3	
Population of separate supporters 459		
	(459/214.3 = 2.14)	= 2 trustees
	Total board size --	**= 8 Trustees**

Chapleau (a board with a minority of public school supporters):

Population of separate supporters 2,086		= 6 trustees
Ratio of representation 2,086/6 = 347.6		
Population of public supporters 1,723		
	(1,723/347.6 = 4.96)	= 5 trustees
	Total board size --	**= 11 Trustees**

EXAMPLE 2
SMALL BOARDS
(ABOVE THE LEVEL OF MINIMUM REPRESENTATION)

Lake Superior (minority of separate school supporters):

Population of public school supporters 7,401		
For the first 4,500 population		= 6 trustees
For the next 2,901 population (1:1,000)		= 3 trustees
Ratio of representation	7,401/9 = 822.3	

Population of separate supporters 3,825

(3,825/822.3 = 4.65) = 5 trustees

Total board size -- = 14 Trustees

Hearst (minority of public school supporters):

Population of separate school supporters 6,468

For the first 4,500 population = 6 trustees

For the next 1,968 population (1:1,000) = 2 trustees

Ratio of representation 6,468/8 = 808.5

Population of public supporters 1,033

(1,033/808.5 = 1.28) = 1 trustee

Total board size -- = 9 Trustees

EXAMPLE 3

MEDIUM SIZED BOARDS

Northumberland and Newcastle (minority of separate school supporters):

Population of public school supporters 88,905

For the first 9,500 population = 11 trustees

For the next 79,405 population(1:15,000) = 5 trustees

Ratio of representation 88,905/16 = 5,556.6

Population of separate school supporters 10,396

(10,396/5,556.6 = 1.87) = 2 trustees

Total board size -- = 18 Trustees

Prescott and Russell (minority of public school supporters):

Population of separate school supporters 45,826

For the first 9,500 population = 11 trustees

For the next 36,326 population(1:15,000) = 2 trustees

Ratio of representation 45,826/13 = 3,525.1

Population of public school supporters 10,727

(10,727/3,525.1 = 3.04) = 3 trustees

Total board size -- = 16 Trustees

EXAMPLE 4

LARGE BOARDS

Toronto (minority of separate school supporters):

Population of public school supporters 447,901

For the first 99,500 population = 17 trustees

For the next 348,401 population (1:75,000) = 5 trustees

Ratio of representation 447,901/22 = 20,359.1

Population of separate school supporters 158,346

(158,346/20,359.1 = 7.78) = 8 trustees

Total board size -- = 30 Trustees

The graduated formula ensures a minimum number of trustees on a school board and ensures an adequate representation even in sparsely populated jurisdictions. This method also ensures that all groups have an equal level (or ratio) of representation within a board. Within each board, then, one vote cast is of equal weight to another, whether cast for a majority or a minority trustee. In other words, each candidate for election, regardless of the electorate he/she is to represent theoretically will have the same number of electors.

Because the number of trustees for a group is dependent only on the population of that group as a proportion of total population served by the board, each group of electors can establish a clear perception of the relationship between its own population and the number of trustees it can elect. The addition of other types of trustees to the board to represent other groups, does not mean that the group would lose any of their entitled representation. The addition can be seen as a fair inclusion of representatives of other groups of electors.

The number of trustees to be elected by public school supporters to a board of education would not be affected by the decision of a separate school board to offer secondary education. Decisions under Bill 30 for a separate school board to offer secondary education would only reduce the number of calculations required to determine the number of trustees in the coterminous board of education.

The additive method would ensure a consistent relationship between board size and population levels for all types of boards in the province. It simultaneously would eliminate the need for multiple schedules and much of the special legislation presently in place.

Because the additive method is simple in its application, it is likely to be more readily understood than the present method by electors. It would establish a direct link between the number of supporters or electors of the particular group and the number of trustees they elect. This will enhance voter identification with trustees and with the electoral process. By linking trustee numbers to the population of the constituency, it ensures that any changes in representation are clearly linked, and seen to be linked, to changes in the population of the group being represented.

We recommend:

That the following method be employed to determine the number of trustees to be elected by public and separate school electors:

1. **that the following formula be applied to the group with a majority of population:**

POPULATION	RATIO	MAXIMUM NUMBER
LESS THAN 4,500	1/750	6 (MIN. #)
4,500 - 9,499	6 PLUS 1/1,000	11
9,500 - 99,499	11 PLUS 1/15,000	17
99,500 AND MORE	17 PLUS 1/75,000	–

2. **the resulting number of trustees be divided into the population of the majority group to determine the ratio of representation;**
   and
3. **the ratio of representation be divided into the population of minority group(s) to determine the number of trustees to be elected by minority group(s);**
   and
4. **the total number of trustees to be elected to the board be the sum of the number to be elected by each constituent group to be represented on the board. [23]**

It is important to treat minority-language trustees and their electors in the same way as other groups of trustees and electors.

We recommend:

That the method outlined above be applied also to the determination of the number of minority-language trustees to be elected. [24]

If this method for determining the total number of trustees to be elected to school boards is adopted, data for calculating the number of supporters for each of four major categories of population will be required.

We recommend:

That population (total population of supporters and dependents) be enumerated in four categories:

1. **public school supporters entitled to and required/choosing to vote for English language trustees;**
2. **public school supporters entitled to and required/choosing to vote for French language trustees;**
3. **separate school supporters entitled to and required/choosing to vote for English language trustees; and**
4. **separate school supporters entitled to and required/choosing to vote for French language trustees. [25]**

The minimum number of minority-language trustees required by Bill 75 (three) was too rigid and, for some boards, too high. On all non-exclusive matters, minority-language trustees would have the same rights and responsibilities as other trustees on the board. Yet, to the extent that these trustees were to be added to the board because the level of minority-language population (or enrolment) was too low to

generate representation according to specified formula, these trustees, particularly on smaller boards, would over-represent their constituents. We concluded that a need existed for a more flexible minimum that would reflect the basic size (number of trustees) of each school board.

We recommend:

That the minimum number of minority-language trustees to be elected to school boards for which a minority-language section is required be one trustee or a number equal to ten percent of the trustees to be elected on the basis of the method proposed above, rounded up if the fraction is 0.5 or greater (whichever is greater). [26]

At the same time, we recognized that the minority-language section of the board was charged with exclusive responsibility for matters related to the governance of minority-language instruction and that it would be important to ensure full discussion of these matters. The minimum number of minority-language trustees as determined pursuant to recommendation [22] might not provide an adequate forum for discussion and decision-making.

We recommend:

That where the minimum number of minority-language trustees elected to a school board pursuant to recommendation [26] above is less than three, a French Language or English Language Advisory Committee be established to provide a forum for deliberation and decision with respect to those matters which are the purview of the minority-language section of the board; and

That minority language trustees elected to the board be members of the Advisory Committee; and that the decisions of the Advisory Committee on issues within the exclusive jurisdiction of the minority-language section of the board be conveyed to the board as decisions of the minority-language section of the board; and

That minority-language trustees have the same rights and responsibilities as other board members on non-exclusive issues. [27]

Potentially a board of education could represent four categories of population

-- French and English public school supporters as well as French and English separate school supporters. We observed, however, that where French was the language of the minority, the proportion of French public school supporters was low and that where English was the language of the minority, the proportion of English separate school supporters was low. We concluded that it would be appropriate for minority-language electors to elect a single group of trustees to boards of education.

We recommend:

That entitlement to minority-language trustees on a board of education be determined for each tax-support group but that where both public and separate minority-language groups would be represented on a board of education, the two groups elect a single group of trustees. [28]

If the additive method were used as the basis for determining minority-language representation, it would be necessary to provide for governance of minority-language instruction with respect to children of separate school supporters attending secondary schools operated by boards of education where the RCSS board had opted to offer secondary education but only in the language of the majority. Although this instruction might be treated as a purchase of service by one board from another, governed in effect by the minority-language section of the RCSS board, it would seem more consistent with provisions of the Constitution to provide for direct governance through representation on boards of education for minority-language separate school supporters if the coterminous RCSS board opted to offer secondary education only in the language of the majority.

Minority-language electors of both public and separate support groups would, of course, elect a single group of minority-language trustees.

The population of the minority-language separate school supporters would be included in the population used for the calculation and the minority-language separate school electorate would be eligible to vote for the trustees determined by the calculation. It would be necessary, therefore, for Bill 30 to distinguish between acting as a secondary school board in the language of the majority and acting as a secondary school board in the language of the minority. The provision for separate school trustees not to be elected to boards of education where the RCSS board had chosen to become a secondary school board would have to be specified for each language of instruction individually.

We recommend:

That, where an RCSS board chooses to act as a secondary school board regarding instruction in the language of the majority but not to provide secondary instruction in the language of

the minority, minority-language separate school electors would continue to elect trustees to the board of education having the same or part of the same jurisdiction as the RCSS board in question. [29]

Finally, because the determination process is complex and the changes recommended are comprehensive, it is essential to ensure that the process is widely understood and accepted. It should be possible to demonstrate on the basis of logic that the number of trustees to be elected by each category of elector is directly related to the population of each group.

We recommend:

That the Ministry ensure that any changes in the procedures for determining school board trustee representation are fully and clearly explained to the public and to those who will be involved in the determination process. [30]

The recommendations set out above are consistent with democratic principles of representation. The population of the various electorates would be clearly linked to the number of trustees whom they would elect. Representation of minority groups would be ensured on a basis that is consistent with the basis used to determine representation for majority groups. The use of the proposed method for minority-language representation would minimize a distinction between types of trustees and would contribute to the objective of minority-language governance. At the same time, no group would be represented at the expense of any other group. The integrated method proposed above and illustrated in this study would ensure that representation was not only equitable but perceived to be so. Finally, the use of a single criterion (population) for all aspects of determination and apportionment will ensure that the various steps in the procedure are consistent with and supportive of each other.

Section Five:

Summary of Recommendations

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1 **That** reapportionment be carried out in the calendar year preceding an election year in order to permit adequate time for appeals and preparation for an election.

2 **That** reapportionment be the joint responsibility of the director of education of the given school system in the area and the clerk of the county, region, or largest municipality in the jurisdiction, who shall provide to the respective school board for its consideration and decision, three alternatives for reapportionment of trustee representation, by December 31st of the calendar year preceeding an election.

3 **That** guidelines be prepared by the Ministry of Education to assist directors and clerks in the task of reapportioning trustee positions and that workshops to inform personnel on all aspects of apportionment objectives and procedures be held.

4 **That** the methodology used for choosing a trustee to represent Native Canadians continue to be decided by Bands in the school district.

5 **That** where due to population imbalance, minority groups, i.e., Anglophones, Francophones, and Native Canadians, would lack an opportunity to have their interests effectively represented at board meetings, the "add on" principle be employed to ensure a minority group voice in deliberations.

6 **That** a single representative be accorded to a minority group, i.e., Anglophones, Francophones, and Native Canadians, under recommendation 5, and that further representation be in keeping with allocations based on formulae normally used for apportionment.

7 **That** electoral districts include contiguous municipalities, or parts thereof, in a manner that represents communities in the minds of electors.

8 **That** where possible, the concept of "community of interest" be fostered by defining compact, contiguous wards for which trustees are elected.

9 **That** elections be held within electoral districts for which a maximum of two trustees may be elected.

10 **That** it be acknowledged that the fashioning of electoral districts to recognize "communities of interest" may require the breaching of municipal boundaries.

11 That where the "communities of interest" are, for the most part, centered in school catchment areas, the electoral districts be structured to encompass those areas.

12 That in order to provide flexibility in the the construction of electoral districts, variances up to 10% in the values of the criterion used for determining representation be permitted among districts within a jurisdiction.

13 That where traditionally a community or municipality has been represented by a trustee, every attempt should be made to provide that unit with representation, either

(a) through the allocation of a position, even where numbers fail to justify a full trustee, or

(b) the creation of an electoral district identified with the community by the combining of areas centred on that community.

14 That in order to foster stability of representation and identification, boundaries of boards of education and Roman Catholic separate school boards be coterminous wherever possible.

15 That equalized residential and farm assessment be discarded as the basis for apportioning trustee representation for school boards in the province of Ontario.

16 That the determination of trustee representation be based on some measure of population.

17 That population data, appropriate to the basis established for the determination of trustee representation, be collected in such a manner and at such a time as to permit it to be used for the purposes of apportionment.

18 That the method adopted to apportion trustee representation take account of problems associated with relatively low density and/or representation of large numbers of municipalities.

19 That apportionment be based upon total population of supporters and dependents.

20 That the individuals charged with the task of determining apportionment be enjoined to use the variance of ten percent in the values of the criterion for apportioning representation (12) to:

(a) create electoral districts with a traditional or community focus, and

(b) to compensate for low density or extreme distances that might otherwise characterize some electoral districts.

21 That the results of relying upon recommendation 20 be monitored to determine if there is a need for modifications to the apportionment method.

22 That minority-language trustee positions be apportioned among municipalities in the same manner as other trustee positions are apportioned.

23 That the following method be employed to determine the number of trustees to be elected by public and separate school electors:

.1 the following formula be applied to the group with a majority of population:

POPULATION	RATIO	MAXIMUM NUMBER
LESS THAN 4,500	1/750	6 (MINIMUM)
4,500 - 9,499	6 PLUS 1/1,000	11
9,500 - 99,499	11 PLUS 1/15,000	17
99,500 AND MORE	17 PLUS 1/75,000	--

.2 the resulting number of trustees be divided into the population of the majority group to determine the ratio of representation; and

.3 the ratio of representation be divided into the population of minority group(s) to determine the number of trustees to be elected by minority groups(s); and

.4 the total number of trustees to be elected to the board be the sum of the number to be elected by each constituent group to be represented on the board.

24 That the method outlined above be applied also to the determination of the number of minority-language trustees to be elected.

25 That population (total population of supporters and dependents) be enumerated in four categories:

.1 public school supporters entitled to and required/choosing to vote for English language trustees

.2 public school supporters entitled to and required/choosing to vote for French language trustees,

.3 separate school supporters entitled to and required/choosing to vote for English language trustees,

.4 separate school supporters entitled to and required/choosing to vote for French language trustees.

26 That the minimum number of minority-language trustees to be elected to a school board for which a minority-language section is required be one trustee or a number equal to ten percent of the trustees to be elected on the basis of the method proposed above, rounded up if the fraction is 0.5 or greater (whichever is greater).

27 That where the minimum number of minority-language trustees elected to a school board pursuant to recommendation 26 above is less than three, a French Language or English Language Advisory Committee be established to provide a forum for deliberation and decision with respect to those matters which are the purview of the minority-language section of the board; and

That the decisions of the Advisory Committee on issues within the exclusive jurisdiction of the minority-language section of the board be conveyed to the board as decisions of the minority-language section of the board; and

That minority-language trustees have the same rights and responsibilities as other board members on non-exclusive issues.

28 **That** entitlement to minority-language trustees on a board of education be determined for each tax-support group but that where both public and separate minority-language groups would be represented on a board of education, the two groups elect a single group of trustees.

29 **That** where an RCSS board chooses to act as a secondary school board regarding instruction in the language of the majority but not to provide secondary instruction in the language of the minority, minority-language separate school electors would continue to elect trustees to the board of education having the same or part of the same jurisdiction as the RCSS board in question.

30 **That** the Ministry ensure that any changes in the procedures for determing school board trustee representation are fully and clearly explained to the public and to those who will be involved in the determination process.

Glossary of Terms

Board of education - a school board responsible for non-denominational elementary and secondary schools. Sometimes referred to as a public board of education. Boards of education are composed of both public school trustees and separate school trustees.

Separate school board - a school board responsible for denominational elementary schools; usually synonyous with Roman Catholic separate school boards. Under Bill 30, Roman Catholic separate school boards may offer secondary school programs; if they do so, they will be referred to as Roman Catholic school boards.

Public school board - the trustees, elected by supporters of the non-denominational public school system, who are responsible for elementary (public school) matters.

Separate school representative - a separate school supporter elected to represent other separate school supporters on a board of education for secondary school purposes. Under Bill 30, in the future such representatives would only be elected when the separate school boards do not offer secondary school programs.

Determination of trustee numbers - the process for deciding the total number of trustees to sit on a school board.

Apportionment - the allocation of trustee positions among (a) public and separate school supporters and (b) city and county municipalities and areas and (c) among different parts (electoral districts) within city and county units in a school board.

Assessment - the estimated value of property upon which taxes are based.

Farm and residential assessment - the total assessment of a municipality which pertains to farm and residential property. Note that in Ontario farm land and buildings are not assessed separately from farm residences.

Commercial and industrial assessment - The total assessment of a municipality which pertains to commercial or manufacturing and industrial uses.

Total assessment - the combined total of farm and residential, commercial, and industrial assessment.

Equalization factor - a number divided into by actual assessment to yield an estimate of the market value of properties concerned. Abbreviated to AEF.